

Applicant: Falone et al.
Application No.: 10/067,594

REMARKS

Claims 38-40, 42-44, 46-50, 53-55, and 57 are currently pending in this application. By the foregoing amendment claims 32-37, 41, 45, 51, 52, and 56 have been cancelled and claims 38, 42, 43, 46, 53, 54, and 57 have been amended.

Claims 38-40, 42-44, 46-50, 53-55, and 57 were only rejected based on obviousness type double patenting. The amendments to claims 38, 42, 43, 46, 53, 54, and 57 prevent the pending claims from depending on claims currently rejected over prior art.

Terminal disclaimers are respectfully submitted herewith to overcome the outstanding obviousness-type double patenting rejections.

No new matter is added to the application by this amendment.

COMMUNICATION WITH THE EXAMINER

During a telephone communication between Examiner Graham and Ruy Garcia-Zamor, Examiner Graham stated that those claims only rejected under obviousness-type double patenting would be patentable if the double patenting rejections are overcome. Applicants thank Examiner Graham for the courtesies extended during the communication.

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CLAIMS REJECTED OVER PRIOR ART

Claims 32-37, 41, 45, 51, 52, and 56 have been rejected over prior art. Applicant respectfully submits that the rejections are moot due to cancellation of claims 32-37, 41, 45, 51, 52, and 56. In view of their cancellation, Applicants respectfully request that the Examiner reconsider and withdraw the prior art rejections of claims 32-37, 41, 45, 51, 52, and 56.

DOUBLE PATENTING

Claims 32-51 have been rejected under obviousness type double patenting in view of U.S. Patent 6,652,398 in view of Falone. The '398 patent is generally relied on to disclose all but one of the elements of the rejected claims. Applicants respectfully submit a Terminal Disclaimer and Statement of Common Ownership in connection with the '398 patent. In view of the terminal disclaimer, Applicants respectfully request that the Examiner reconsider and withdraw the double patenting rejection.

Claims 52-57 have been rejected under obviousness type double patenting in view of U.S. Patent 6,652,398. Applicants respectfully submit a Terminal Disclaimer and Statement of Common Ownership in connection with the '398 patent. In view of the terminal disclaimer, Applicants respectfully request that the Examiner reconsider and withdraw the double patenting rejection.

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Claims 32 and 35-46 have been provisionally rejected under obviousness type double patenting in view of copending U.S. Patent Applicants 10/659,790; 10/659,674; 10/659,690; and 10/659,560. Applicants respectfully submit a Terminal Disclaimer and Statement of Common Ownership in connection with the above copending applications. In view of the terminal disclaimer, Applicants respectfully request that the Examiner reconsider and withdraw the provisional double patenting rejection.

Claims 47-51 have been provisionally rejected under obviousness type double patenting in view of copending U.S. Patent Applicants 10/659,790; 10/659,674; 10/659,690; and 10/659,560 each in view of Falone. The copending applications are generally relied on to disclose all but one of the elements of the rejected claims. Applicants respectfully submit a Terminal Disclaimer and Statement of Common Ownership in connection with the above copending applications. In view of the terminal disclaimer, Applicants respectfully request that the Examiner reconsider and withdraw the provisional double patenting rejection.

Claims 52-57 have been provisionally rejected under obviousness type double patenting in view of copending U.S. Patent Applicants 10/659,790; 10/659,674; 10/659,690; and 10/659,560. Applicants respectfully submit a Terminal Disclaimer and Statement of Common Ownership in connection with the above copending applications. In view of the terminal disclaimer, Applicants respectfully request

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that the Examiner reconsider and withdraw the provisional double patenting rejection.

INVITATION

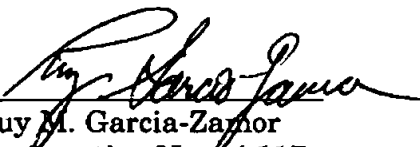
If any additional matters need to be addressed to place this application in condition for allowance, the Examiner is respectfully invited to contact the undersigned, by telephone, at the Examiner's convenience.

CONCLUSION

In view of the foregoing Amendment and Remarks, Applicants respectfully submit that the present application, including claims 38-40, 42-44, 46-50, 53-55, and 57, is in condition for allowance and a notice to that effect is respectfully solicited.

Respectfully submitted,

Falone et al.

By 
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